

1 BILL NO. Z-87-*0871*

2 ZONING MAP ORDINANCE NO. Z-*Lash*

3 AN ORDINANCE amending the City of  
4 Fort Wayne Zoning Map No. N-14.

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
6 FORT WAYNE, INDIANA:

7 SECTION 1. That the area described as follows is  
8 hereby designated a B-3-B (General Business) District under  
9 the terms of Chapter 33 of the Code of the City of Fort  
Wayne, Indiana of 1974:

10 The South 20 feet of Lot Numbered 1 in Freeman's  
11 Amended Addition to the City of Fort Wayne, Indiana,  
12 according to the recorded plat thereof; together with a  
13 contiguous portion of Lot Numbered 1 of Well's Pre-  
Emption, in Township 31 North, Range 12 East, in Allen  
County, Indiana by metes and bounds described as  
follows to-wit:

14 Commencing on the East line of Spy Run Avenue in the  
15 City of Fort Wayne at the Southwest corner of Lot 1 of  
16 Freeman's Amended Addition aforesaid; thence East on  
17 the South line of said Freeman's Amended Addition, a  
18 distance of 280.0 feet; thence South and parallel to  
19 the East line of said Spy Run Avenue, a distance of  
100.0 feet; thence West and parallel to the South line  
of said Freeman's Amended Addition, a distance of 280.0  
feet to the East line of said Spy Run Avenue; thence  
North along the said Spy Run Avenue East line, a  
distance of 100.0 feet to the point of beginning,

20 and the symbols of the City of Fort Wayne Zoning Map No.  
21 N-14, as established by Section 11 of Chapter 33 of the Code  
22 of the City of Fort Wayne, Indiana are hereby changed  
23 accordingly.

24 SECTION 2. That this Ordinance shall be in full force  
25 and effect from and after its passage and approval by the  
26 Mayor.

27 *Mark B. Redd*  
28 Councilmember

29 APPROVED AS TO FORM AND LEGALITY:

30 *Mark B. Redd*  
31 BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by Reed,  
seconded by Stevens, and duly adopted, read the second time  
by title and referred to the Committee Regulations (and the  
Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,  
Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

DATE: 8-11-87

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury,  
seconded by Castor, and duly adopted, placed on i  
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u><b>TOTAL VOTES</b></u>	_____	8	_____	1	_____
<u><b>BRADBURY</b></u>	_____	✓	_____	_____	_____
<u><b>BURNS</b></u>	_____	✓	_____	_____	_____
<u><b>EISBART</b></u>	_____	✓	_____	_____	_____
<u><b>GiaQUINTA</b></u>	_____	✓	_____	_____	_____
<u><b>HENRY</b></u>	_____	_____	_____	✓	_____
<u><b>REDD</b></u>	_____	✓	_____	_____	_____
<u><b>SCHMIDT</b></u>	_____	✓	_____	_____	_____
<u><b>STIER</b></u>	_____	✓	_____	_____	_____
<u><b>TALARICO</b></u>	_____	✓	_____	_____	_____

DATE: 9-22-87

SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO.

on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

ATTEST:

(SEAL)

SANDRA E. KENNEDY, CITY CLERK

**PRESIDING OFFICER**

Presented by me to the Mayor of the City of Fort Wayne, Indiana  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_  
at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ A.M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_  
19\_\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

WIN MOSES, JR., MAYOR

## RECEIPT

COMMUNITY DEVELOPMENT &amp; PLANNING

No 2713

FT. WAYNE, IND., 7/15 1987RECEIVED FROM Linda Parker \$50.00THE SUM OF Fifty 100 DOLLARSON ACCOUNT OF 1990 Spy RunREZONEOne

AUTHORIZED SIGNATURE

RECEIPT NO. \_\_\_\_\_

DATE FILED \_\_\_\_\_

INTENDED USE \_\_\_\_\_

THIS IS TO BE FILED IN DUPLICATE

I/We NORMA WERLING (Mrs.)

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-3 MULTI District to a/an R-1 District the property described as follows:

SEE ATTACHED

B31B

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

1910 SPY RUN AVE, FORT WAYNE, INDIANA

1884 QUEEN ANNE House BEING USED AS 4 APT. DWELLING

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

NORMA WERLING

1910 SPY RUN AVE  
F.T. WAYNE, INDI.  
P.O. BOX 1309  
RONKONKOMA, N.Y.  
11779

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by \_\_\_\_\_

(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

LINDA PARKER

(Name)

4035 Webster St. Ft. WAYNE 46807 (744-3918)

(Address & Zip Code)

(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

ZOHARB K. TAZIAN, P.E. & L.S.  
C. DUANE EMBURY, P.E. & L.S.  
JOHN C. SAUER, L.S.  
SAM L. FAUST, L.S.



## CERTIFICATE OF SURVEY

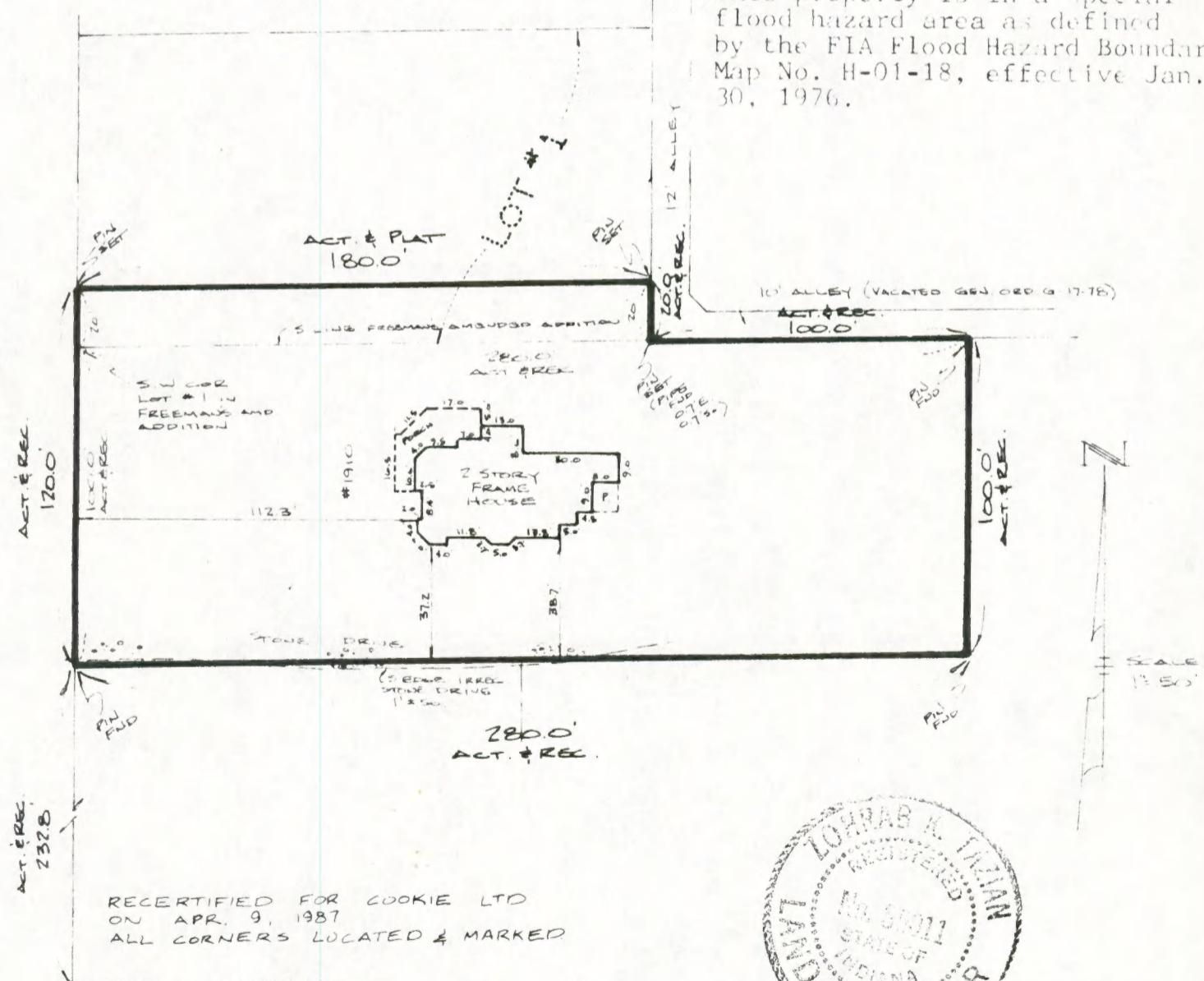
This document is a record of a resurvey of land and real estate prepared in conformity with established rules of surveying and made in accordance with the records or plat on file in the Recorder's office of Allen County, State of Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from encroachments by adjoining land owners unless specifically stated below. Corners were perpetuated as indicated.

### DESCRIPTION OF REAL ESTATE

The South 20 feet of Lot numbered 1 in Freeman's Amended Addition to the City of Fort Wayne, Indiana, according to the recorded plat thereof; together with a contiguous portion of Lot numbered 1 of Well's Pre-Emption, in Township 31 North, Range 12 East, in Allen County, Indiana by metes and bounds described as follows, to wit:

Commencing on the East line of Spy Run Avenue in the City of Fort Wayne, at the Southwest corner of Lot 1 of Freeman's Amended Addition aforesaid; thence East on the South line of said Freeman's Amended Addition, a distance of 280.0 feet; thence South and parallel to the East line of said Spy Run Avenue, a distance of 100.0 feet; thence West and parallel to the South line of said Freeman's Amended Addition, a distance of 280.0 feet to the East line of said Spy Run Avenue; thence North along the said Spy Run Avenue East line, a distance of 100.0 feet to the point of beginning.

This property is in a special flood hazard area as defined by the FIA Flood Hazard Boundary Map No. H-01-18, effective Jan. 30, 1976.



LAWTON PLACE

I hereby certify on the 22nd day of December, 1982 that the above survey is correct.

Surveyed for: Lee

Survey No.: KN-179

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 11, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-08-11; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on August 17, 1987.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

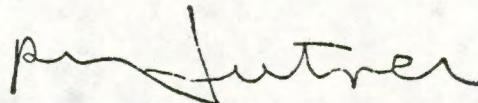
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held August 24, 1987.

Certified and signed this  
9th day of September 1987.



Robert Hutner  
Secretary

ORIGINAL

COUNCILMANIC DISTRICT No. \_\_\_\_\_

Admn. Appr. \_\_\_\_\_

DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE 1910 Spy Run Avenue

3-87-08-11

EFFECT OF PASSAGE Property is presently zoned R-3 - Multi Family Residential.

Property will remain B-3-B - General Business District.

EFFECT OF NON-PASSAGE Property will remain R-3 - Multi Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

(ASSIGN TO COMMITTEE (J.N.) \_\_\_\_\_

# Division of Community Development & Planning

BILL NUMBER

BRIEF TITLE	APPROVAL DEADLINE	REASON														
Zoning Ordinance Amendment From R-3 to B-3-B																
<b>DETAILS</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;"> <b>Specific Location and/or Address</b>            1910 Spy Run Avenue         </td> <td style="padding: 5px;"> <b>POSITIONS</b> </td> <td style="padding: 5px;"> <b>RECOMMENDATIONS</b> </td> </tr> <tr> <td style="padding: 5px;"> <b>Reason for Project</b>             To establish small speciality shop.         </td> <td style="padding: 5px;"> <b>Sponsor</b>            City Plan Commission         </td> <td style="padding: 5px;"> <b>Area Affected</b>            City Wide             Other Areas         </td> </tr> <tr> <td style="padding: 5px;"> <b>Discussion (Including relationship to other Council actions)</b>  <u>17 August 1987 - Public Hearing</u>             Madelyn Gocke, representing the petitioner stated that she owned and operated a small speciality shop on E. State Street, which is doll shop. She stated her sister (Norma Werling) purchased this home in order for her to move her business into the home. She stated that they had also discussed a small art gallery, a tea shop and perhaps a Bed &amp; Breakfast in the upstairs of the home. She stated that her sister had spoken with Richard Larowe, Planner for the City's Historic Preservation Review Board, and she also had Mr. Leonard a historian look at the house and would like it to go on the National Register if possible. She stated they have no definite plans with the exception of the doll shop.         </td> <td style="padding: 5px;"> <b>Applicants/Proponents</b>            Norma Werling   <b>City Department</b>             Other         </td> <td style="padding: 5px;"> <b>Opponents</b>            Tom Pearson, Pres of Spy Run Neighborhood Assn   <b>Basis of Opposition</b>            -detriment to area            -area is in processing of downzoning to R-1 this would not be character of area         </td> </tr> <tr> <td style="padding: 5px;">           Steve Smith questioned why they were asking for the B-3-B zoning.         </td> <td style="padding: 5px;"> <b>Staff Recommendation</b>  <input type="checkbox"/> For <input checked="" type="checkbox"/> Against   <b>Reason Against</b>            -not compatible with area            -encourage commercial encroachment in area         </td> <td style="padding: 5px;"> <b>Board or Commission Recommendation</b>  <input type="checkbox"/> For <input checked="" type="checkbox"/> Against  <input type="checkbox"/> No Action Taken  <input type="checkbox"/> For with revisions to conditions            (See Details column for conditions)         </td> </tr> <tr> <td style="padding: 5px;">           Ms. Gocke stated she was <del>not</del> aware of why they requested that designation. 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**DETAILS**

Steve Smith suggested that the petitioners meet with Wayne O'Brien of the plan commission staff and see if they could come up with a more appropriate zoning designation or possibly they could go with a Use Variance.

Tom Pearson, 613 Wagner Street, President of the Spy Run Neighborhood Association stated they were in opposition to the rezoning. He stated that the B-3-B designation was too unrestrictive for this area. He stated they were concerned by the lack of any written purposes for the use of the building. He stated that if the property were sold the building could be razed and with a B3B zoning could allow for a business that would be detrimental to the area. He stated that the Spy Run Neighborhood Association has been working for 1½ years to downzone this area to R-1 in order to preserve the residential character of the area. He stated rezoning this property would be contrary to those efforts. He stated they would prefer the owner apply for a Use Variance.

Madelyn Gocke stated that they have already gone to considerable expense to see if they can have the home placed on the National Register. She stated that they requested the B-3-B because they were unaware of what zoning zoning or other procedure they would require.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

**POLICY/PROGRAM IMPACT**

<b>Policy or Program Change</b>	<input type="checkbox"/> No	<input type="checkbox"/> Yes
<b>Operational Impact Assessment</b>		

(This space for further discussion)

24 August 1987 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO NOT PASS recommendation, motion carried.

Of the 8 members present 7 voted in favor of the motion one (1) did not vote.

**Project Start**

**Date** 16 July 1987

**Projected Completion or Occupancy**

**Date** 9 September 1987

**Fact Sheet Prepared by**

**Date** 9 September 1987

Patricia Biancaniello

**Reviewed by**

**Date**

*Gary Becto*  
Reference or Case Number

9/9/87

BILL NO. Z-87-08-11

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) (RESOLUTION) amending the City of  
Fort Wayne Zoning Map No. N-14

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION AND BEG  
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)  
(RESOLUTION) Do Not Pass

YES

NO

Janet G. Bradbury JANET G. BRADBURY  
CHAIRPERSON

Charles B. Redd CHARLES B. REDD  
VICE CHAIRMAN

THOMAS C. HENRY

PAUL M. BURNS

BEN A. EISBART

CONCURRED IN 9-22-87.

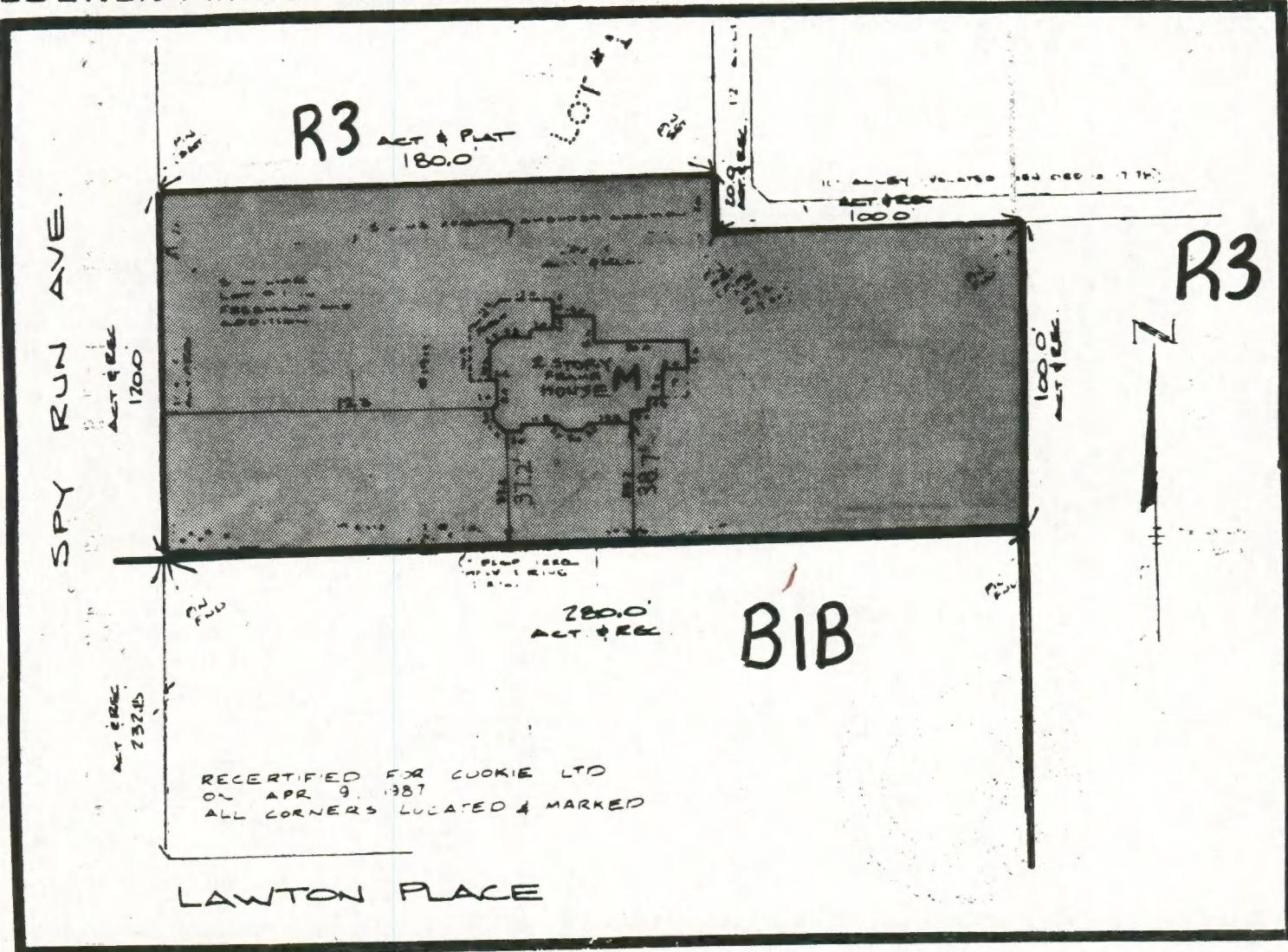
SANDRA E. KENNEDY  
CITY CLERK

**REZONING PETITION #277**

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING  
THE DESCRIBED PROPERTY FROM AN R3 DISTRICT TO A B3B DISTRICT.

MAP NO. N-14

COUNCILMANIC DISTRICT NO. 3

**ZONING:**

R3 RESIDENTIAL DISTRICT

**LAND USE:**

MULTI-FAMILY

SCALE: N.T.S.

DATE: 7-29-87

